

# RICHES MCKENZIE & HERBERT

BARRISTERS & SOLICITORS  
PATENTS & TRADE MARK AGENTS

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PATENT & TRADE MARK AGENT  
A. LEONARD GROVE

February 16, 2000

CONTINUING THE PRACTICE OF  
GEORGE H. RICHES AND ASSOCIATES  
ESTABLISHED 1887

Box PCT  
United States Department of Commerce  
Patent and Trademark Office  
Assistant Commissioner for Patents  
Washington, D.C., U.S.A.  
20231

By Courier

Attn: Ms. Paulette Kidwell

Re: SMITH, Graham Thomas and FELS, Deborah Ingrid...  
U.S. Patent Application Serial No. 09/423414  
Title: Teleconferencing Robot With Swiveling Video...  
Filed: May 6, 1998 Our Ref.: P150299

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Dear Ms. Kidwell:

The courtesy of the telephone interview on February 15, 2000 is acknowledged with thanks.

As discussed on February 15, 2000, we believe the additional documents requested in the Form PCT/DO/EO/917 dated February 1, 2000 were submitted with our letter of December 22, 1999 which was received by the U.S. Patent Office on December 23, 1999. As such, we understand that no further documents or fees are required, and we ask that you advise *immediately* if that is not the case.

For your convenience, we are enclosing herewith the following documents:

1. A copy of Form PCT/DO/EO/905 dated February 1, 2000;
2. A copy of Form PCT/DO/EO/917 dated February 1, 2000;
3. A copy of our letter to the U.S. Patent Office dated December 22, 1999, including copies of the following enclosures:
  - a) Supplemental transmittal letter to the United States designated office;
  - b) Declaration and Power of Attorney (3 pages) - signed by all inventors;

- c) Declaration supporting a 50% fee reduction - independent inventor (1 page) - signed;
- d) Declaration supporting a 50% fee reduction - small business concern - Telbotics Inc. (1 page) - signed;
- e) Declaration supporting a 50% fee reduction - Ryerson Polytechnic University (1 page) - signed;
- f) Declaration supporting a 50% fee reduction - The University of Toronto (1 page) - signed;
- g) Information Disclosure Statement and Form PTO-1449; and

4. A copy of the return acknowledgement card acknowledging submission of the above noted items, as well as payment of the fee of \$65.00 date stamped on December 23, 1999.

Please contact the undersigned as soon as possible should you have any questions or comments regarding the above or the attached enclosures. Furthermore, if the applicants' correspondence dated December 22, 1999 cannot be located, please advise as soon as possible.

It is hereby petitioned under 37 CFR 1-1336 that the response term of this application be extended, if necessary, to a date which would include the filing date of the items listed in Form PCT/DO/EO/917 and the Commissioner is hereby authorized to charge any necessary extension fee to deposit account no. 18-1350, under an order number corresponding to attorney docket number P150299. A duplicate copy of this letter is enclosed.

Favourable consideration and disposition is respectfully submitted.

Yours very truly,

**RICHES, MCKENZIE & HERBERT**

  
Jeff Pervanas

JP/caf  
Encl.  
Ret.Ack.Card  
As Above.



## UNITED STATES DEPARTMENT OF COMMERCE

## Patent and Trademark Office

Address: ASSISTANT COMMISSIONER FOR PATENTS

Box PCT

Washington, D.C. 20231

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/423414	SMITH	G P150299
INTERNATIONAL APPLICATION NO.		
PCT/CA98/00463		
I.A. FILING DATE		PRIORITY DATE
06 MAY 98		07 MAY 97
DATE MAILED: 01 FEB 2000		

RICHES MCKENZIE & HERBERT  
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**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as

☐ a Designated Office (37 CFR 1.494),☒ an Elected Office (37 CFR 1.495):☒ U.S. Basic National Fee.☒ Copy of the international application in:☐ a non-English language.☒ English.☒ Translation of the international application into English.☒ Oath or Declaration of inventor(s) for DO/EO/US.☐ Copy of Article 19 amendments.☐ Translation of Article 19 amendments into English.☒ The International Preliminary Examination Report in English and its Annexes, if any.☒ Translation of Annexes to the International Preliminary Examination Report into English.☐ Preliminary amendment(s) filed \_\_\_\_\_ and \_\_\_\_\_☐ Information Disclosure Statement(s) filed \_\_\_\_\_ and \_\_\_\_\_☐ Assignment document.☐ Power of Attorney and/or Change of Address.☐ Substitute specification filed \_\_\_\_\_☐ Verified Statement Claiming Small Entity Status.☒ Priority Document.☒ Copy of the International Search Report ☒ and copies of the references cited therein.☐ Other:2. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:☐ a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).☐ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date.☒ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.☒ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).3. Additional claim fees of \$ \_\_\_\_\_ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due. See attached PTO-875.

**ALL OF THE ITEMS SET FORTH IN 2(a)-2(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY 21 OR ☒ 31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

4. Translation of the Annexes **MUST** be submitted no later than the time period set above or the annexes will be cancelled. Note processing fee will be required if submitted later than 30 months from the priority date.5. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

***A copy of this notice MUST be returned with this response***

Enclosed:

☒ PCT/DO/EO/917☐ Notice of Defective Translation☐ PTO-875

FORM PCT/DO/EO/905 (December 1997)

Paulette Kidwell, Paralegal

Telephone: 703-305-3656



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Address: ASSISTANT COMMISSIONER FOR PATENTS  
Washington, D.C. 20231

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/423414	SMITH	G P150299
INTERNATIONAL APPLICATION NO.		
PCT/CA98/00463		
I.A. FILING DATE	PRIORITY DATE	
06 MAY 98	07 MAY 97	

RICHES MCKENZIE & HERBERT  
2 BLOOR STREET EAST  
SUITE 2900  
TORONTO, CAN M4W3J 5

DATE MAILED: 01 FEB 2000

**NOTIFICATION OF A DEFECTIVE OATH OR DECLARATION**

This application fails to contain an oath or declaration acceptable under 35 U.S.C. 371 (c)(4) for entry into the national stage in the United States of America. The period within which to correct these requirements and avoid abandonment is set in the accompanying Office action.

A new oath or declaration, identifying this application by the international application number and international filing date is required. The oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:

1. ☒ is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
2. ☐ does not identify the specification to which it is directed.
3. ☐ does not identify the inventor(s).
4. ☐ does not identify the citizenship of each inventor.
5. ☐ does not state the person making the oath or declaration believes the named inventor or inventors to be the original and first inventor or inventors of the subject matter which is claimed and for which a patent is sought.

FAILURE TO SUBMIT AN OATH OR DECLARATION IN COMPLIANCE WITH 37 CFR 1.497(a) AND (b) WITHIN THE TIME PERIOD SET WILL RESULT IN FAILURE TO ENTER THE NATIONAL STAGE AND THE ABANDONMENT OF THE APPLICATION.

Additionally, the oath or declaration does not comply with 37 CFR 1.63 in that it:

1. ☐ does not identify the city and state or city and foreign country of residence or each inventor.
2. ☐ does not state that the person making the oath or declaration:
  - a. ☐ has reviewed and understands the contents of the specification, including the claims, as amended by any amendment specifically referred to in the oath or declaration.
  - b. ☐ acknowledges the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.
3. ☐ does not identify the foreign application for patent or inventor's certificate on which priority is claimed pursuant to 37 CFR 1.55, and any foreign application having a filing date before that of the application on which priority is claimed, by specifying the application serial number, country, day, month, and year of its filing.
4. ☐ does not state that the person making the oath or declaration acknowledges the duty to disclose information which is material to patentability as defined in 37 CFR 1.56 which became available between the filing date of the prior application and filing date of the continuation in part application which discloses and claims subject matter in addition to that disclosed in the prior application (37 CFR 1.63(d)).

Paulette Kidwell, Paralegal

Telephone: 703-305-3656

# RICHES, MCKENZIE & HERBERT

BARRISTERS & SOLICITORS  
PATENTS & TRADE MARK AGENTS

PAUL HERBERT, B.SC.,PHM.,LL.B.  
BRANT LATHAM, B.A.SC.(CHEM.ENG.),LL.B.,P.ENG.  
DAN HITCHCOCK, B.ENG.,LL.B.,P.ENG.  
GARY M. TRAVIS, B.SC.(GEOL.),LL.B.  
JEFF PERVANAS, B.A.SC.(ENG.SCI.),LL.B.  
MARK D. PENNER, B.SC.(BIO.CHEM.),M.SC.,LL.B.

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CONTINUING THE PRACTICE OF  
GEORGE H. RICHES AND ASSOCIATES  
ESTABLISHED 1887

December 22, 1999

BOX PCT  
Assistant Commissioner for Patents  
Washington, D.C., U.S.A.  
20231

Attn: Audrey Willis  
Manager, National Phase Department

Re: SMITH, Graham Thomas, FELS, Deborah Ingrid and TREVIRANUS, Jutta  
U.S. Patent Application Serial No. 09/423,414  
National Phase Entry Date Under 35 U.S.C. 371: November 8, 1999  
National Phase of International PCT Patent Application Serial  
No. PCT/CA98/00463  
Title: "Teleconferencing Robot With Swiveling Video Monitor"  
International Filing Date: May 6, 1998 Our Ref.: P150299

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Dear Sir/Madam:

Transmitted herewith to complete entry into the U.S. national phase under 35 U.S.C. 371 in the above stated names, are the following documents:

1. Supplemental transmittal letter to the United States designated office;
2. Declaration and Power of Attorney (3 pages) - signed by all inventors;
3. Declaration supporting a 50% fee reduction - independent inventor (1 page) - signed;
4. Declaration supporting a 50% fee reduction - small business concern - Telbotics Inc. (1 page) - signed;
5. Declaration supporting a 50% fee reduction - Ryerson Polytechnic University (1 page) - signed;
6. Declaration supporting a 50% fee reduction - The University of Toronto (1 page) - signed; and
7. Information Disclosure Statement and copies of patent and non-patent references listed in Form PTO-1449.

REMARKS

To meet the 30 month due date for entry of the national phase under 35 U.S.C. 371 in the United States, the government fee of \$460.00, a transmittal letter and unsigned copies of the above documents were filed on November 8, 1999. Also submitted on that date was a copy of the Declaration supporting a 50% fee reduction from Ryerson Polytechnic University and a copy of an Assignment, including U.S. recordation cover sheet Form PTO-1619A, and a Preliminary Amendment.

Pursuant to 37 C.F.R. 1.495(b), (c) and 1.497, it is respectfully submitted that the applicant is now completing national phase entry under 35 U.S.C. 371 by submitting the Declaration signed by all three inventors. The applicant is also submitting the government surcharge fee of \$65.00 pursuant to 37 C.F.R. 1.492(e) and 1.495(c)(2).

Pursuant to the rules, the applicant must file the signed Declaration and pay the government surcharge fee within a period of time set within a notification sent by the U.S. Patent Office. It is the applicant's understanding that the notification has not yet been mailed, and therefore the applicant is clearly within the time period for filing the signed Declaration.

As all of the requirements for entry of the national phase under 35 U.S.C. 371 have now been met, the applicant respectfully requests that the Filing Certificate with respect to this application be issued as soon as possible.

Should any difficulties arise, or should the Patent Office have any questions, please contact the undersigned at 416-961-5000 as soon as possible. In particular, it is respectfully submitted that no Petition to revive under 37 C.F.R. 1.137(a) and (b) is required, however, if a Petition is required, the applicant hereby petitions to revive and restore the application to pending status and the applicant respectfully requests an opportunity to expand on its Petition in the future.

In addition, the Commissioner is hereby authorized to charge any additional fees which may be required to enter the national phase under 35 U.S.C. 371 or credit any overpayment to Deposit Account No. 18-1350. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

**RICHES, MCKENZIE & HERBERT**

JP/caf  
Encls.  
Ret.Ack.Card.  
Fee \$65.00  
As Above.

Jeff Pervanas  
Reg. No. 41,543

TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371

P150299

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)  
09/423,414INTERNATIONAL APPLICATION NO.  
PCT/CA98/00463INTERNATIONAL FILING DATE  
06 May 1998PRIORITY DATE CLAIMED  
07 May 1997

## TITLE OF INVENTION

TELECONFERENCING ROBOT WITH SWIVELING VIDEO MONITOR

## APPLICANT(S) FOR DO/EO/US

SMITH, Graham Thomas, FELS, Deborah Ingrid and TREVIRANUS, Jutta

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☒ This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
4. ☒ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - a. ☐ is transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☒ has been transmitted by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ A translation of the International Application into English (35 U.S.C. 371(c)(2)).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
  - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☐ have been transmitted by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☒ have not been made and will not be made.
8. ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)). (**signed by all inventors**)
10. ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

## Items 11. to 16. below concern document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A **FIRST** preliminary amendment.  
☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
14. ☐ A substitute specification.
15. ☐ A change of power of attorney and/or address letter.
16. ☒ Other items or information:
  - a) Verified Statement - Independent Inventor - signed
  - b) Verified Statement - Small Business Concern - Telbotics Inc. (signed)
  - c) Verified Statement - Nonprofit Organization - Ryerson Polytechnic University - (signed)
  - d) Verified Statement - Nonprofit Organization - The University of Toronto - (signed)
  - e) Information Disclosure Statement, Form PTO-1449 and patent and non-patent references

09/423,414

CT/CA98/00463

P150299

17. ☒ The following fees are submitted:**BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)) :**

Neither international preliminary examination fee (37 CFR 1.482)  
nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO  
and International Search Report not prepared by the EPO or JPO ..... \$970.00

International preliminary examination fee (37 CFR 1.482) not paid to  
USPTO but International Search Report prepared by the EPO or JPO ..... \$840.00

International preliminary examination fee (37 CFR 1.482) not paid to USPTO but  
international search fee (37 CFR 1.445(a)(2)) paid to USPTO ..... \$760.00

International preliminary examination fee paid to USPTO (37 CFR 1.482)  
but all claims did not satisfy provisions of PCT Article 33(1)-(4) ..... \$670.00

International preliminary examination fee paid to USPTO (37 CFR 1.482)  
and all claims satisfied provisions of PCT Article 33(1)-(4) ..... \$96.00

**ENTER APPROPRIATE BASIC FEE AMOUNT =****CALCULATIONS** PTO USE ONLY

Surcharge of \$130.00 for furnishing the oath or declaration later than ☐ 20 ☒ 30  
months from the earliest claimed priority date (37 CFR 1.492(e)).

\$ 130.00

CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE
Total claims	- 20 =		X \$18.00
Independent claims	- 3 =		X \$78.00
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$260.00

\$

\$

\$

**TOTAL OF ABOVE CALCULATIONS =**

\$ 130.00

Reduction of 1/2 for filing by small entity, if applicable. A Small Entity Statement  
must also be filed (Note 37 CFR 1.9, 1.27, 1.28).

\$ 65.00

**SUBTOTAL =**

\$ 65.00

Processing fee of \$130.00 for furnishing the English translation later than ☐ 20 ☐ 30  
months from the earliest claimed priority date (37 CFR 1.492(f)).

\$

+

**TOTAL NATIONAL FEE =**

\$ 65.00

Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be  
accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +

\$

+

**TOTAL FEES ENCLOSED =**

\$ 65.00

Amount to be:	\$
refunded	
charged	\$

a. ☒ A check in the amount of \$ 65.00 to cover the above fees is enclosed.

b. ☐ Please charge my Deposit Account No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ to cover the above fees.  
A duplicate copy of this sheet is enclosed.

c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any  
overpayment to Deposit Account No. 18-1350. A duplicate copy of this sheet is enclosed.

**NOTE:** Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

**RICHERS, MCKENZIE & HERBERT**  
Suite 2900, 2 Bloor Street East  
Toronto, Ontario M4W 3J5  
CANADA

SIGNATURE:

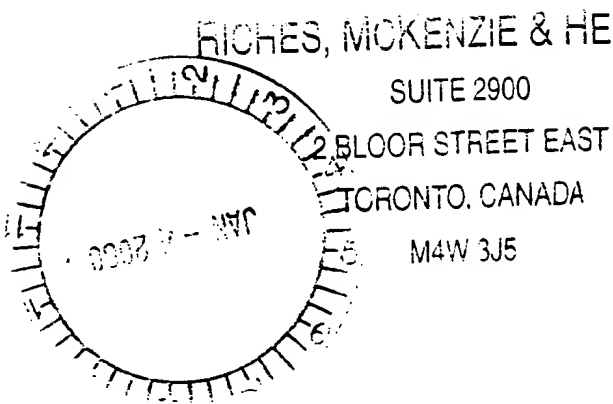
**JEFF PERVANAS**

NAME

**41,543**

REGISTRATION NUMBER





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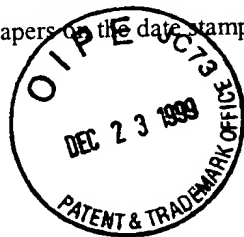
Application Ser. No. 09/423,414

Case No. 1,50299

Of **SMITH, Graham Thomas et al.** Title: **Teleconferencing Robot With Swiveling Video Monitor** National Phase of PCT/CA98/00463 filed 6 May 1998: National Phase Entry Date: 8 Nov. 1999, Supplemental transmittal ltr. to US designated office, Dec. (signed), Dec. 50% fee reduction - Independent Inventors (signed), Dec. 50% fee reduction - small bus. concern (signed), Dec. 50% fee reduction, non-profit Ryerson (signed), Dec. 50% fee reduction, non-profit U of T (signed), Information Disclosure Statement, Form PTO-1449 and copies of patent and non patent refs., Cheque No. 2155  
**FEE \$65.00**

Please place the official stamp of the Patent Office on this card and return it to us for our files to constitute an acknowledgment by the Patent Office of receipt of the above identified papers on the date stamped.

JP/caf



**RICHES, MCKENZIE & HERBERT**

December 22, 1999

IN THE UNITED STATES PATENT OFFICE

PATENT APPLICATION

INFORMATION DISCLOSURE STATEMENT

Attorney Docket No. P150299

RE: SMITH, Graham Thomas  
FELS, Deborah Ingrid  
TREVIRANUS, Jutta

Serial No.: 09/423,414  
(corresponding to International Application Serial No. PCT/CA98/00463)

Filed: November 8, 1999  
(International Filing Date 6 May 1998)

Title: "Teleconferencing Robot With Swiveling Monitor"

To: Assistant Commissioner for Patents  
Washington, D.C. 20231  
U.S.A.

Dear Sir:

Attached is a completed PTO-1449 listing references of which we are aware relating to the invention defined by the claims of the subject application, together with copies of the cited references, all of which are in the English language.

Copies of the patent and non-patent references listed in form PTO-1449 are attached herewith.

EXECUTED at Toronto, Ontario, Canada, this 28 day of November, 1999.

JP/caf

Form PTO-1449

References

**Riches, McKenzie & Herbert**

2 Bloor Street East, Suite 2900

Toronto, Ontario, Canada, M4W 3J5

Tel: (416) 961-5000

Respectfully submitted,

x   
\_\_\_\_\_  
**GRAHAM THOMAS SMITH**